



Rep. Elaine Nekritz

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LRB094 11168 RXD 45073 a

1 AMENDMENT TO HOUSE BILL 2572

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2572, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 1. Short title. This Act may be cited as the  
6 Brominated Fire Retardant Prevention Act.

7 Section 5. Legislative findings.

8 (a) Chemicals known as brominated flame retardants (BFR's)  
9 are widely used in the United States. To meet stringent fire  
10 standards, manufacturers add BFR's to a multitude of products,  
11 including plastic housing of electronics and computers,  
12 circuit boards, and the foam and textiles used in furniture.

13 (b) Polybrominated diphenyl ether (PBDE), which is a  
14 subcategory of BFR's, has increased forty-fold in human breast  
15 milk since the 1970s.

16 (c) PBDE has the potential to disrupt thyroid hormone  
17 balance and contribute to a variety of developmental deficits,  
18 including low intelligence and learning disabilities. PBDE may  
19 also have the potential to cause cancer.

20 (d) Substantial efforts to eliminate BFR's from products  
21 have been made throughout the world, including private and  
22 public sectors. These efforts have made available numerous  
23 alternatives safe to human health while meeting stringent fire  
24 standards. To meet market demand, it is in the interest of

1 State manufacturers to eliminate the use of BFR's.

2 (e) In order to protect the public health and the  
3 environment, the General Assembly believes it is necessary for  
4 the State to develop a precautionary approach regarding the  
5 production, use, storage, and disposal of products containing  
6 brominated fire retardants.

7 Section 10. Definitions. In this Act:

8 "DecaBDE" means decabromodiphenyl ether.

9 "OctaBDE" means octabromodiphenyl ether.

10 "PBDE" means polybrominated diphenyl ether.

11 "PentaBDE" means pentabromodiphenyl ether.

12 Section 15. Regulation of brominated flame retardant.

13 (a) Effective January 1, 2006, a person may not  
14 manufacture, process, or distribute in commerce a product or a  
15 flame-retarded part of a product containing more than one-tenth  
16 of 1% of pentaBDE or octaBDE.

17 (b) Subsection (a) of this Section does not apply to the  
18 following:

19 (1) The sale by a business, charity, or private party  
20 of any used product containing PBDE.

21 (2) The distribution in commerce of original equipment  
22 manufacturer replacement service parts manufactured prior  
23 to the effective date of this Act.

24 (3) The processing of recycled material containing  
25 pentaBDE or octaBDE in compliance with applicable State and  
26 federal laws.

27 Section 20. Penalty. A person who violates Section 15 of  
28 this Act is guilty of a business offense and upon conviction  
29 shall be subject to a fine of not less than \$10,000 and not  
30 more than \$25,000 for each violation.

1 Section 25. DecaBDE Study. By January 2, 2006, the Illinois  
2 Environmental Protection Agency, shall submit to the General  
3 Assembly and the Governor a report that reviews the latest  
4 available scientific research to address the following issues:

5 (1) whether decaBDE is bio-accumulating in humans and  
6 the environment, and if so, whether the levels of decaBDE  
7 are increasing, decreasing, or staying the same;

8 (2) how are humans exposed to decaBDE;

9 (3) what health effects could result from exposure to  
10 decaBDE, and are current levels of exposure at levels that  
11 could produce these effects;

12 (4) whether decaBDE breaks down into more harmful  
13 chemicals that could damage public health; and

14 (5) whether effective flame retardants are available  
15 for decaBDE uses, and whether the use of available  
16 alternatives reduce health risks while still maintaining  
17 an adequate level of flame retardant performance.

18 Section 30. Review of decaBDE study. By February 28, 2006,  
19 the Illinois Department of Public Health, shall submit to the  
20 General Assembly and the Governor a report that reviews the  
21 Illinois Environmental Protection Agency's decaBDE study. In  
22 addition to a review of any public health implications the  
23 Department of Public Health believes would result from exposure  
24 to decaBDE, it shall also comment on the following:

25 (1) the known exposure pathways for humans to decaBDE;

26 (2) what scientific evidence exists to demonstrate  
27 that decaBDE breaks down into other chemicals that could  
28 pose public health concerns; and

29 (3) what research and analysis exists on the potential  
30 human health effects of flame retardants that could be used  
31 as alternatives to decaBDE.

32 Section 35. Transportation of products containing PBDEs.

1 Nothing in this Act restricts a manufacturer, importer, or  
2 distributor from transporting products containing PBDEs  
3 through this State or storing PBDEs in this State for further  
4 distribution.

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.".